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2 Assistant Regional Counsel
3 United States Environmental
4 Protection Agency, Region 9
5 215 Fremont Street
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8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

9 REGION IX

10 IN THE MATTER OF;
11 Rigel Street Drum Site,
12 San Diego, California

13 Samuel A. Boykin, Becky E. Boykin,
14 Charles D. Halphen, Industrial
15 Marine Non-Destructive Testing,
16 Inc.
17 Respondents.

DOCKET # 88-23A

18 AMENDED ADMINISTRATIVE CONSENT ORDER

19 The Administrative Consent Order ("Order") between the
20 United States Environmental Protection Agency, Region 9 ("EPA"),
21 Complainant, and Samuel A. Boykin, Becky E. Boykin, Charles D.
22 Halphen and Industrial Marine Non-Destructive Testing, Inc.,
23 ("Settling Parties"), attached and fully incorporated herein,
24 sets forth the terms of settlement in the above captioned matter.

25 The Order is amended as follows:

26 I

27 EPA admits and agrees that on January 3, 1989 the EPA Haz-
28 ardous Substance Superfund received a check in the amount of
\$101,522.67 in partial payment of Respondents' obligations under
Section III(A) of the Order.

II

Respondents and EPA agree that 1) the effective date of the

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3 Order is and remains October 27, 1988, and 2) the due date of
4 Respondents' obligations under Section III of the Order was
5 January 25, 1989.
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7 III

8 Respondents and EPA agree that Respondents shall have an ex-
9 tension of time, until February 24, 1989, to fulfill those
10 obligations set forth in Section III of the Order, as amended in
11 Sections IV, V, and VI of this Amended Administrative Consent Or-
12 der ("Amended Order").

13 IV

14 Respondents and EPA agree that Respondents shall pay on or
15 before February 24, 1989:

16 1.) \$1,950.39, which represents interest at the rate
17 of 6.99% on the full amount of \$221,401.04, accrued from the
18 twenty-second day from October 27, 1988, until January 3, 1989,
19 as set forth in Section III(A) of the Order;

20 2. \$120,383.94, which represents the unpaid balance of
21 \$119,878.55, plus interest at the rate of 6.99% per annum, ac-
22 crued from January 3, 1989, until January 25, 1989;

23 3.) interest on the unpaid balance at the rate of
24 8.39%, which shall accrue from January 25, 1989, until the date
25 of final payment.

26 V

27 Respondents and EPA agree that Respondents shall pay a
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3 late-payment charge for not having fully met their payment
4 obligations on or before January 25, 1989. If Respondents
5 satisfy their obligations under Article IV of this Amended Order
6 on or before February 1, 1989, a late-payment charge of \$1,250
7 shall be paid by Respondents; otherwise, Respondents shall pay a
8 late-payment charge of \$5,000 on or before February 24, 1989.
9

10 VI
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12 The payment shall be made by certified or cashier's check
13 made payable to "EPA-Hazardous Substance Superfund." The check
14 shall be sent to:

15 EPA Region IX
16 Attn: Superfund Accounting
17 P.O. Box 360863M
Pittsburgh, Pennsylvania 15251

18 A copy of Respondents' check shall simultaneously be sent
19 to:

20 Martha L. Black
21 Assistant Regional Counsel
EPA, Office of Regional Counsel
215 Fremont Street
San Francisco, California 94105

22 Alternatively, payments to EPA may be made by wire transfer
23 to EPA Account Number 910-8878 at the Mellon Bank in Pittsburgh,
24 Pennsylvania. All such payments shall include the wire transfer
25 number ("ABA Number") of the Mellon Bank on the wire transfer
26 form as follows:
27
28

ABA #: 043000261/Mellon Bank Pittsburgh
EPA Superfund

The transferor shall include the transferring bank's name, ABA
Number, date of transfer and amount transferred on the wire trans-
fer form. This information, along with a transmittal letter
specifically referencing the Rigel Street Drum Site, shall also
be forwarded to Martha L. Black, Assistant Regional Counsel and
to:

Ivery Jacobs
U.S. EPA, Financial Management Division
401 M Street, SW
Washington, D.C. 20040

IT IS SO AGREED.

Samuel A. Boykin
Samuel A. Boykin

Jan 30 1989
DATE

Becky E. Boykin
Becky E. Boykin

Jan 30 1989
DATE

Charles D. Halphen
Charles D. Halphen

Feb 1 1989
DATE

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Industrial Marine Non-
Destructive Testing, Inc.

By: Samuel A. Boykin
Samuel A. Boykin

Jan 30 1989
DATE

U.S. Environmental Protection Agency

By: Jeff Zelikson
Jeff Zelikson
Director, Toxics and Waste
Management Division,
Region IX

2-3-89
DATE